

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

York Marine, Inc.

Plaintiff,

v.

M/V Intrepid, official number
1202907, her engines, anchors,
tackle etc., *in rem*,

and

John T. Wilson *in personam*,

Defendants.

Civil Action no.

Complaint to Foreclose Upon
Maritime Lien (Verified)

York Marine, Inc. brings its complaint before the court as follows.

1. York Marine, Inc. (York Marine) is a Maine corporation with a principal place of business in Rockland, Maine. It is a shipyard, both new construction and repair.
2. Intrepid is a motor yacht, 36 feet in length overall, built by this plaintiff. She is a vessel of the United States with an official number of 1202907.
3. Intrepid is located within the District of Maine.
4. John T. Wilson is an individual residing in Denver, Colorado. He owns Intrepid.
5. This case is of admiralty or maritime jurisdiction, and asserts an admiralty or maritime claim within the meaning of Rule 9(h), F.R.Civ.P. Other claims are pendent.

6. We ask that the court assert jurisdiction over the matter at bar pursuant to Title 28 U.S.C. 1333 (admiralty jurisdiction) and Title 46 U.S.C. §31342 (maritime liens).

Count One: Foreclosure on Maritime Lien

7. Plaintiff has provided repairs and outfitting to Intrepid, and by doing so has accrued a maritime lien for necessities.
8. The amount of the said lien is, as of May 18, 2015, \$63,828.39, all of which amount is past due and owing.

Count Two: Breach of Contract

9. Plaintiff performed the repairs and outfitting for Intrepid pursuant to a contract with her owner, John Wilson.
10. By reason of failing to pay for the contracted work, Mr. Wilson is in breach of the contract.

Count Three: Unjust Enrichment

11. It would affront equity were Mr. Wilson and the yacht to retain the benefit of the repairs and outfitting provided to his yacht, without paying for that work.

WHEREFORE, plaintiff prays:

- A. That the court declare that a lien for necessities exists upon the defendant yacht as pleaded, that a warrant issue for the arrest of the yacht, and that all persons claiming any interest in the res be cited to appear and answer; that Intrepid be

condemned and sold to pay the demands aforesaid, with interest and costs, and with such further relief as is just and equitable.

- B. That the court order plaintiff to give notice of the action and arrest by publication in the Portland Press Herald pursuant to Title 46 U.S.C. §31325, affording notice of this action to persons claiming ownership or other interest in the defendant yacht, and requiring such persons to file a verified statement of right or interest within fourteen days after publication and to answer within twenty-one days.
- C. That the court award judgment for plaintiff against the defendant yacht in the amount of \$63,828.39, plus interest and costs; for sale of the defendant yacht by the U.S. Marshall free and clear of all rights and claims of any persons; for judgment against John Wilson on the breach of contract claim as aforesaid, including for any deficiency which may exist following the sale; and for such other relief as justice and equity may require.

May 18, 2015

/S/ Nicholas H. Walsh
Nicholas H. Walsh, Counsel for
York Marine, Inc.

Nicholas H. Walsh P.A.
120 Exchange Street
Portland, Maine 04112-7206
207/772-2191
Federal bar role 634.

Verification

Michael York, being duly sworn, states as follows:

I am the president of York Marine, Inc. I have read this complaint. Each assertion of fact there contained is true to my personal knowledge.

May 18, 2015

/S/ Michael York

State of Maine

Knox, ss.

Personally appeared before me Michael York, who swore to the truth of this verification, on his personal knowledge.

May 18, 2015

/S/ Notary Public